

**DECLARATION
AND POWER OF ATTORNEY
Utility Application**

LYON & LYON
DOCKET 224/053

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name and signature.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BODY FLUID FLOW CONTROL DEVICE, the specification of which was filed on September 16, 1997 as Application Serial No. 08/931,552.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(1).

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Date of Filing	Status-Patented, Pending or Abandoned

POWER OF ATTORNEY: As a named inventor, I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr., Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,395; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; Bradford J. Duft, Reg. No. 32,219; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Lois M. Kwasigroch, Reg. No. 35,579; Lawrence R. LaPorte, Reg. No. 38,948; Robert C. Laurenson, Reg. No. 34,206; Carol A. Schneider, Reg. No. 34,923; ; Hope E. Melville, Reg. No. 34,874; Michael J. Wise, Reg. No. 34,047; and Richard J. Warburg, Reg. No. 32,327, and _____
Reg. No. _____


I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements

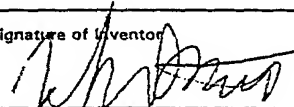
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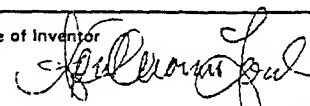
and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Send Correspondence to: LYON & LYON
47th Floor, 633 W. Fifth St.
Los Angeles, CA 90071-2066

Direct Telephone Calls to:
John D. McConaghy, Reg. No. 26,773
(213) 489-1600

201	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name	
		GHOLAM-REZA		ZADNO-AZIZI	
		Signature of Inventor 		Date 2-18-98	
	RESIDENCE & CITIZENSHIP	City Newark	State or Foreign Country California	Country of Citizenship France	
	POST OFFICE ADDRESS	Street Address 8213 Del Monte Avenue	City Newark	State or Ctry CA	Zip Code 94560

202	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name	
		JOHN S.		FORD	
		Signature of Inventor 		Date 2/18/98	
	RESIDENCE & CITIZENSHIP	City Manhattan Beach	State or Foreign Country CA	Country of Citizenship U.S.	
	POST OFFICE ADDRESS	Street Address 319 30 th Street	City Manhattan Beach	State or Ctry CA	Zip Code 90266

202	FULL NAME OF INVENTOR	FIRST Name	Middle Initial(s)	LAST Name	
		APRIL		MARANO-FORD	
		Signature of Inventor 		Date 2-18-98	
	RESIDENCE & CITIZENSHIP	City Manhattan Beach	State or Foreign Country CA	Country of Citizenship U.S.	
	POST OFFICE ADDRESS	Street Address 319 30 th Street	City Manhattan Beach	State or Ctry CA	Zip Code 90266

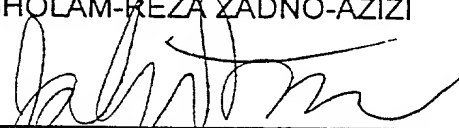
ASSIGNMENT

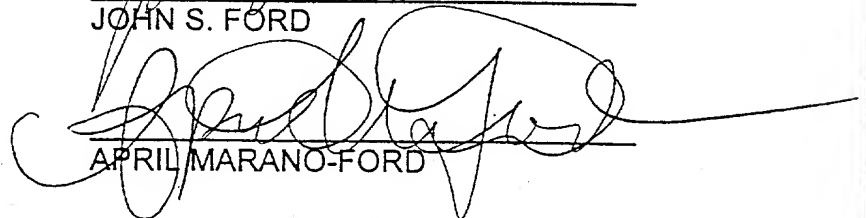
WHEREAS, WE, GHOLAM-REZA ZADNO-AZIZI, a citizen of France, and JOHN S. FORD and APRIL MARANO-FORD, citizens of the United States, residing at 8213 Del Monte Avenue, Newark, California 94560; 319 30th Street, Manhattan Beach, California 90266 and 319 30th Street, Manhattan Beach, California 90266, respectively, have invented a new and useful BODY FLUID FLOW CONTROL DEVICE for which application papers for United States Letters Patent were filed on September 16, 1997, being awarded Serial No. 08/931,552; and

WHEREAS, THE FOUNDRY, LLC, a Limited Liability Company of Delaware, having a place of business at 604 D Fifth Avenue, Redwood City, California 94063, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor in the United States of America and its territories and possessions, and all countries foreign thereto:

NOW, THEREFORE, for a valuable consideration, the receipt of which is hereby acknowledged, we, GHOLAM-REZA ZADNO-AZIZI, JOHN S. FORD and APRIL MARANO-FORD, effective April 11, 2000, do hereby sell, assign, transfer, and set over unto the said THE FOUNDRY, LLC, its successors and assigns, the full and exclusive right, title, and interest in and to the said invention, and in and to any and all Letters Patent to be granted and issued therefor, not only for, to and in the United States of America, its territories and possessions, but for, to and in all other countries including all priority rights under the International Convention; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said THE FOUNDRY, LLC, its successors and assigns, in accordance with this Assignment.



GHOLAM-REZA ZADNO-AZIZI

JOHN S. FORD

APRIL MARANO-FORD

224/053

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On May 25, 2000 before me, Terri L. Teague, personally
appeared JOHN S. FORD,

 personally known to me

- OR -

 x proved to me on the basis of satisfactory evidence to be the person whose
name is subscribed to the within instrument and acknowledged to me that he executed
the same in his authorized capacity, and that by his signature on the instrument the
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Terri L. Teague



224/053

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On May 25, 2000 before me, Terri L. Teague, personally
appeared APRIL MARANO-FORD,

 personally known to me

- OR -

 X proved to me on the basis of satisfactory evidence to be the person whose
name is subscribed to the within instrument and acknowledged to me that he executed
the same in his authorized capacity, and that by his signature on the instrument the
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Terri L. Teague



224/053

STATE OF CALIFORNIA)
COUNTY OF Alameda) ss

On 6/3/00 before me, Hiten Patel (^{Notary} Public), personally
appeared GHOLAM-REZA ZADNO-AZIZI,

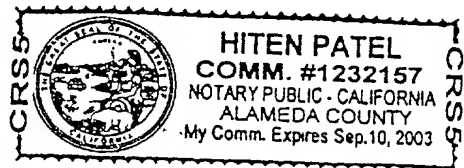
___ personally known to me

- OR -

X proved to me on the basis of satisfactory evidence to be the person whose
name is subscribed to the within instrument and acknowledged to me that he executed
the same in his authorized capacity, and that by his signature on the instrument the
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Hiten Patel Hiten Patel
Signature of Notary



ASSIGNMENT OF PATENT

WHEREAS, THE FOUNDRY, LLC, of 604-D Fifth Avenue, Redwood City, CA, 94063, hereinafter referred to as "ASSIGNOR," is the owner of all rights in certain new and useful improvements as described and set forth in the below-identified application for United States Letters Patent:

Title of the Invention: BODY FLUID FLOW CONTROL DEVICE

Filing Date: September 16, 1999

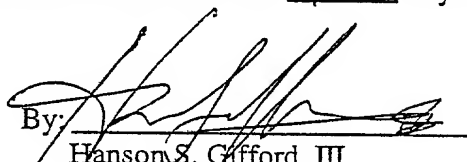
Application No.: 09/397,218

WHEREAS, EMPHASYS MEDICAL, INC., a Delaware corporation, located at 2686 Middlefield Road, Suite A, Redwood City, California 94063, hereinafter referred to as "Assignee," is desirous of acquiring an interest in the invention and Letters Patent:

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, this Assignment is executed this 1st day of MAY, 2001.

By: 
Hanson S. Gifford, III
The Foundry, LLC
Title: President & CTO

Applicant: REZA ZADNO, JOHN S. FORD; APRIL MARANO-FORD
 Serial No.: 08/931,552
 Filed: September 16, 1997
 For: BODY FLUID FLOW CONTROL DEVICE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
 STATUS (37 CFR 1.9(f) and 1.27(c)) -- INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled BODY FLUID FLOW CONTROL DEVICE, described in:

___ the specification filed herein.
☒ application S.N. 08/931,552 filed September 16, 1997
 ___ Patent No. ___ issued ___

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed or licensed, or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

☒ no such person, concern or organization
☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME _____

ADDRESS _____

___ INDIVIDUAL ___ SMALL BUSINESS CONCERN ___ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

___ INDIVIDUAL ___ SMALL BUSINESS CONCERN ___ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

REZA ZADNO

(Name of Inventors)

(Signature)

(Date of signature)

JOHN S. FORD

(Name of Inventors)

(Signature)

(Date of signature)

APRIL MARANO-FORD

(Name of Inventors)

(Signature)

(Date of signature)